



Virginia
Regulatory
Town Hall

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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Commission on Virginia Alcohol Safety Action Program
Virginia Administrative Code (VAC) citation	24 VAC 35-60
Regulation title	Ignition Interlock Regulations
Action title	Proposed new regulation (24 VAC 35-60)
Date this document prepared	August 18, 2008

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The proposed new regulation (24 VAC 35-60) covers the process for certifying ignition interlock devices and vendors in Virginia to include procedures for device installation, maintenance and removal.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 18.2-271.2 of the Code of Virginia establishes the Commission on Virginia Alcohol Safety Action Program (VASAP) in the legislative branch of state government. Section 18.2-270.2 directs the Executive Director of the Commission on VASAP or his designee to certify ignition interlock systems in the Commonwealth and to adopt regulations and forms for the installation, maintenance and certification of such ignition interlock systems.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

VASAP plays a vital role in transportation safety, providing services to over 40,000 citizens of the Commonwealth annually. To date, no regulations have been adopted regarding ignition interlock, as required by the Code of Virginia.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

The new regulations will provide information regarding the certification of ignition interlock devices and ignition interlock service providers in Virginia. Procedures for the installation, maintenance and removal of ignition interlock devices will be outlined as well as requirements for reporting and record keeping.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

This regulatory action is required by the Code of Virginia, Section 18.2-270.2. Thus, there are no alternatives to the regulatory action at this time.

Public participation

Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable

effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email or fax to Richard Foy, Commission on VASAP, 701 E. Franklin St., Ste. 1110, Richmond, VA 23219, (804) 786-5895, (804) 786-6286 (fax), rfoy.vasap@state.va.us. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last day of the public comment period.

In addition, the agency is seeking information on (1) the continued need for the regulation; (2) the complexity of the regulation; (3) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (4) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

A public hearing will not be held.

Participatory approach

Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

A participatory process is being used to develop the proposed new regulation. Input is being received from Commission on VASAP members and staff; the Commission Advisory Board; local Alcohol Safety Action Program directors, policy board members and employees; and ignition interlock manufacturers and service providers.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The nature of VASAP's work (i.e., transportation safety, alcohol/drug offender education and probation, etc.) has a positive impact on the family. The debilitating effect of alcohol and drug abuse on individuals and the family is well documented. Ignition interlock devices offer protection to the public and family members from alcohol abusers who attempt to drive while impaired. Family members who use the same vehicle as the offender will be inconvenienced to some degree since they will have to activate the device in the same manner as the offender. However, no family impact changes are expected from the proposed new regulation other than what already exist with present law.

